

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. Applicant/Contact name and address: John & Elleen Van Dyke  
5944 West Dry Creek  
Manhattan, Mt. 59741
2. Type of action: Application to Change a Water Right # 30019217-41H
3. Water source name: Groundwater
4. Location affected by project: W2NW SEC 12 T1N R3E, Gallatin Co.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:  
The DNRC shall issue an Authorization if an applicant proves the criteria proves the criteria in # 85-2-402 MCA are met. The applicants propose to retire 16.5 acres of past irrigation. The volume not used to irrigate will be use for a new purpose, Fishery. The applicants also propose to change a stock water right to fisheries. The fishery place of use is a gravel pit which was constructed in the 1940's. The Montana Department of Fish, Wildlife & Parks is working with the applicants. They want to rotenone this existing pond to kill all fish in it, which may include northern pike. They want to allow the applicants to restock trout in the pond, but must see a water right before they can issue a fish stocking permit.
6. Agencies consulted during preparation of the Environmental Assessment: Montana Department of Fish Wildlife & Parks, Montana State Historic Preservation Office, Montana Natural Heritage Program, Montana Department of Environmental Quality, Gallatin County Planning Office.

**Part II. Environmental Review**

**1. Environmental Impact Checklist:**

**PHYSICAL ENVIRONMENT**

**WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

*Determination:* The source of water is a groundwater pit, which has not been listed as chronically or periodically dewatered by the DFWP.

**Water quality** - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

*Determination:* This groundwater pit is not on the DEQ, 303(d) list.

**Groundwater** - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

*Determination:* This existing groundwater pit was dug in the 1940's. Permitting this pond to be stocked with fish will not impact water quality, supply or adjacent surface water flows.

**DIVERSION WORKS** - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

*Determination:* The diversion works is the pit dug in the 1940's. No impacts identified.

#### **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

*Determination:* The Montana Natural Heritage Program was contacted. No species of concern have been identified in this area.

**Wetlands** - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

*Determination:* Since the pit was constructed over 60 years ago, there is no way knowing if it was dug in a wetland.

**Ponds** - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

*Determination:* This pit pond has been there since the 1940's. If the applicant allows the DFWP to rotenone the pond to kill pike, if they exist, that would be a positive impact for the native fishers resources.

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

*Determination:* Stocking trout in an existing pond will not impact soil quality, or stability. Moisture content on the 16.5 acres being removed from irrigation will be reduced. There is no saline seep in the area.

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

*Determination:* The existing 16.5 acres of vegetative cover that will not be irrigated will not grow as well as it did when it was being irrigated.

**AIR QUALITY** - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

*Determination:* No impacts identified

**HISTORICAL AND ARCHEOLOGICAL SITES** - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

*Determination:* SHPO has concluded that any historic or archaeological sites that may have been located within the area were destroyed in the 1940's, when the pit was dug.

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

*Determination:* No impacts on other environmental resources were identified.

## **HUMAN ENVIRONMENT**

**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

*Determination:* The Gallatin County Planning Board has no restrictions against stocking an existing pond with fish.

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

*Determination:* This project is located on private land, with no access to public recreational or wilderness activities. Therefore, no impact is expected.

**HUMAN HEALTH** - Assess whether the proposed project impacts on human health.

*Determination:* No impacts identified.

**PRIVATE PROPERTY** - Assess whether there are any government regulatory impacts on private property rights.

Yes\_\_\_ No **X** If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

*Determination:* Private property rights are not impacted by this proposed action.

**OTHER HUMAN ENVIRONMENTAL ISSUES** - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

*Impacts on:*

- (a) Cultural uniqueness and diversity? No impacts identified
- (b) Local and state tax base and tax revenues? No impacts identified
- (c) Existing land uses? No impacts identified
- (d) Quantity and distribution of employment? No impacts identified
- (e) Distribution and density of population and housing? No impacts Identified
- (f) Demands for government services? No impacts identified
- (g) Industrial and commercial activity? No impacts identified
- (h) Utilities? No impacts identified
- (i) Transportation? No impacts identified
- (j) Safety? No impacts identified
- (k) Other appropriate social and economic circumstances? No impacts identified

**2. Secondary and cumulative impacts on the physical environment and human population:**

Secondary Impacts No secondary impacts have been identified.

Cumulative Impacts No cumulative impacts have been identified.

**3. Describe any mitigation/stipulation measures:** Mitigation or stipulations are not planned at this time.

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** If a change for fisheries is not Authorized the applicants will not be able to stock fish into the pond. If the pond can not be restocked, MFWP may not be able to rotenone the pond. If there are pike in the pond, they may adversely impact the native trout in nearby waters.

### ***PART III. Conclusion***

1. ***Preferred Alternative*** Authorize the change for fishery.
- 2 ***Comments and Responses*** The Montana Department of Fish, Wildlife & Parks has expressed the desire that the DNRC Authorize this change, so they can issue a fish stocking permit.

3. ***Finding:***  
Yes\_\_\_ No\_**X**\_\_\_ *Based on the significance criteria evaluated in this EA, is an EIS required?*

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:*

*Name of person(s) responsible for preparation of EA:*

*Name:* Jan R. Mack

*Title:* Water Resource Specialist

*Date:* Bozeman Regional Office